

### **REMARKS**

These Remarks are in response to the Office action mailed June 16<sup>th</sup>, 2006. Claims 11, 19 and 22 have been amended. Claims 1-24 remain pending in the application. Applicant appreciates Examiner's careful review of the present application.

#### ***Claim Rejections Under 35 U.S.C. 101***

Claims 11-18 and 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In response to this rejection, applicant has amended claims 11 and 22 by including materials of hardware or a combination of hardware and software thereinto, for the purpose of overcoming the rejection under 35 U.S.C. 101. Each of amended claims 11 and 22 recites the use of certain technology, such as various software modules (i.e. a value-added costs integration module, a material costs integration module, and an actual costs integration module) installed in a computer (i.e., a web server) that would inherently and necessarily require a computer (i.e., the web server) or a database (i.e., a database server). Further, each of these amended claims is recited as being computer-enabled, and can only be performed by carrying out one or more steps of providing various software modules (see above) in a piece of hardware (i.e., the web server).

Therefore it is submitted that in amended claims 11 and 22, the invention has clearly demarcated practical application in the technological arts, and does not merely manipulate an abstract idea or perform a purely mathematical algorithm. The invention requires physical acts to be performed outside the computer (web server) prior to the computer performing one or more steps according to a program. Each of the

amended claims imposes independent limitations on the scope of the claim beyond those required by mathematical operation. The one or more steps of providing various software modules (see above) in the piece of hardware (web server) are a necessary prerequisite in obtaining the practical result or outcome of the actual cost of a product. This is a direct effect on the physical world outside the computer (web server/database server). The result obtained is not a mere mathematical construct, but literally the actual costs of a product. The actual costs are critical information in carrying out cost management by a company or a private enterprise (see paras. [0002]-[0004] of the specification). Therefore the results produced by carrying out each of the claimed methods are useful, concrete, and very tangible.

For at least the above reasons, it is submitted that amended claims 11 and 22 are directed to statutory subject matter. Claims 12-18 depend directly or indirectly from amended independent claim 11, and claims 23-24 depend directly from amended independent claim 22. Accordingly, applicant requests reconsideration and removal of the rejection of claims 11-18 and 22-24 under 35 U.S.C. 101.

### ***Double Patenting***

Claims 1 and 11-17 are provisionally rejected on the ground nonstatutory double patenting over claims 1 and 9-18 of copending Application No. 10/744,414. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

On page 6 of the Office action, it is stated that the subject matter claimed in the instant application is fully disclosed in the referenced copending application (App. No. 10/744,414) and would be covered by any patent granted that of co-pending application since the referenced copending application and the instant application are claiming common subject matter. Applicant respectfully disagrees and traverses as follows:

It is understood that an actual cost of a product includes a value-added cost and a material cost of the product. Comparing claim 1 of the present application with the referenced copending application, applicant asserts that claim 1 of the present application provides a system for integration of actual costs of a product, and claim 1 of the referenced copending application discloses a system for integration of value-added product costs. Furthermore, claim 1 of the referenced copending application discloses a database server comprising a database for storing data related to the product, and a web server for calculating a value-added cost of a product. The web server comprises a cost group file creation module, an operation center variance calculation module, a cost group apportionment module, and a costs integration module. All of these function modules have respective functions directed to calculating the value-added cost of the product. However, claim 1 of the present application not only provides a database server comprising a database for storing data related to the product and a web server comprising a value-added costs integration module for calculating the value-added cost of the product, but also provides a material costs integration module for calculating a material cost of the product and an actual costs integration module for calculating an actual cost of the product. The material costs integration module comprises a current period purchase costs calculation sub-module, a historical purchase costs calculation sub-module, and a material costs calculation sub-module. All of these sub-modules are directed to calculating the material cost of the product. That is, claim 1 of the referenced copending application discloses how to calculate the value-added cost of the product, but does not disclose how to calculate the material cost and the actual cost of the product. In contrast, claim 1 of the present application not only discloses how to calculate the value-added cost of the product, but also discloses how to calculate the material cost and the actual cost of the product. Accordingly, the claimed subject matter of

claim 1 of the present application is distinct from the claimed subject matter of claim 1 of the referenced copending application.

Similarly, claim 11 of the present application provides a computer-enabled method for integration of actual costs of a product, and claim 9 of the referenced copending application claims a computer-enabled method for integration of value-added product costs. Furthermore, even though claim 9 of the referenced copending application discloses how to calculate a value-added cost of the product, it does not disclose how to calculate the material cost and the actual cost of the product. In contrast, claim 11 of the present application not only discloses how to calculate the value-added cost of the product, but further discloses how to calculate the material cost and the actual cost of the product. Accordingly, the claimed subject matter of claim 11 of the present application is distinct from the claimed subject matter of claim 9 of the referenced copending application.

In conclusion, the subject matter claimed in the present application is not disclosed in the referenced copending application, and would not be covered by any patent granted the referenced copending application since the referenced copending application and the present application are not claiming common subject matter. Accordingly, it is submitted that claims 1 and 11-17 of the present application are patentable over claims 1 and 9-18 of the referenced copending application. Reconsideration and removal of the rejection as to claims 1 and 11-17 of the present application are requested.

#### ***Claim Rejections Under 35 U.S.C. 102***

Claims 1-10 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu et al. (US Pub. No. 2003/0037014, hereinafter referred to as "Shimizu").

On page 13 of the Office action, it is indicated that the structural limitations of claim 1 do not distinguish the claimed apparatus from the prior art, because the structural limitations of claim 1 including a database server and a web server are disclosed by Shimizu. Applicant respectfully disagrees and traverses as follows:

Claim 1 recites in part:

'the web server comprises:

*a value-added costs integration module* for calculating value-added costs of a product, the value-added costs integration module comprising:

a value-added costs integration module for ...;

a cost group file creation sub-module for ...;

an operation center variance calculation sub-module for ...;

a cost group apportionment sub-module for ...; and

a value-added costs calculation sub-module for ...;

*a material costs integration module* for calculating material costs of a product, the material costs integration module comprising:

a current period purchase costs calculation sub-module for ...;

a historical purchase costs calculation sub-module for ...;

a material costs calculation sub-module for ...; and

*an actual costs integration module* for calculating actual costs of the product by summing up the value-added costs and the material costs of the product'.

Shimizu discloses a WWW server 152 and a user information database 153 (paragraphs [0103] and [0513]). Applicant acknowledges that the WWW server 152 corresponds to a web server, and the user information database 153 corresponds to a database server. However, the "database server" in claim 1 of the present invention comprises a value-added costs integration module, a material costs integration module, and an actual costs integration module (see item 12 in FIG. 1 as originally filed). Furthermore, the value-added costs integration module comprises a

value-added costs integration module, a cost group file creation sub-module, an operation center variance calculation sub-module, a cost group apportionment sub-module, and a value-added costs calculation sub-module (see item 121 in FIG. 2 as originally filed). The material costs integration module comprises a current period purchase costs calculation sub-module, a historical purchase costs calculation sub-module, and a material costs calculation sub-module (see item 122 in FIG. 3 as originally filed). Since the web server claimed herein includes various function modules and sub-modules, the internal structure of the web server of claim 1 is distinct from the WWW server 153 disclosed by Shimizu.

In addition, each of these function modules or sub-modules has respective functions directed to calculating the actual cost of the product as recited in claim 1 of the present application. For example: the value-added costs integration module is used for calculating value-added costs of a product; the material costs integration module is used for calculating material costs of a product; and the actual costs integration module is used for calculating actual costs of the product by summing up the value-added costs and the material costs of the product. The above-described function modules and sub-modules are not disclosed by Shimizu, as indicated on page 10 of the Office action.

In summary, the claimed limitations of the present web server distinguish the present web server from the WWW server disclosed by Shimizu, both in terms of internal structures and functions. Accordingly, Shimizu clearly fails to disclose, teach, or even suggest the present invention having the above-described limitations as set forth in claim 1. That is, claim 1 is not only novel under 35 U.S.C. §102(e) over Shimizu, but also unobvious and patentable under 35 U.S.C. §103 over Shimizu. Reconsideration and removal of the rejection and allowance of claim 1 are requested.

Because claims 2-10 depend from independent claim 1, and respectively recite additional subject matter, claims 2-10 should also be allowable.

Claim 19, recites in part:

'the web server comprises:

*a value-added costs integration module* for calculating value-added costs of a product;

*a material costs integration module* for calculating material costs of the product; and

*an actual costs integration module* for calculating actual costs of the product by summing up the value-added costs and the material costs of the product'.

For at least reasons similar and corresponding to those asserted above in relation to claim 1, applicant submits that Shimizu does not disclose, teach, or otherwise suggest the limitations of claim 19 as set forth above. That is, the claimed limitations of the present web server distinguish the present web server from the WWW server disclosed by Shimizu, both in term of internal structures and functions.

Accordingly, claim 19 is not only novel under 35 U.S.C. §102(e) over Shimizu, but also unobvious and patentable under 35 U.S.C. §103 over Shimizu. Reconsideration and removal of the rejection and allowance of claim 19 are requested.

Because claims 20-21 depend from independent claim 19, and respectively recite additional subject matter, claims 20-21 should also be allowable.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,  
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